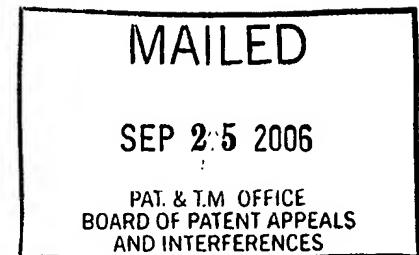


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte VAHID GOUDARZI, EDWIN L. BRADLEY III
and BRIAN ALBERT FARIELLO

Application 10/051,200



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on August 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On January 17, 2002, appellant filed an Information Disclosure Statement (IDS). It is not clear from the record whether the examiner considered the IDS or whether the examiner notified appellant of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

In addition, the Examiner's Answer mailed May 16, 2006, is not in compliance with the requirement of 37 CFR § 41.37. The following content needs to be added under the heading needs to be included in accordance with MPEP §1207.02:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER.

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

(6) *Grounds of Rejection to be Reviewed on Appeal.* A statement of whether the examiner agrees or disagrees with the statement of the grounds of rejection to be reviewed set forth in the brief and an explanation of any disagreement. Form paragraphs 12.154 and 12.154.01 or 12.154.02 may be used. In addition, the examiner must include the following subheadings (if appropriate):

A revised Examiner's Answer that is in compliance with 37 CFR §41.37 is required.

Application 10/051,200

Accordingly, it is ORDERED that the application is return to the Examiner to:

- 1) consider the Information Disclosure Statement filed on January 17, 2002;
- 2) provide appropriate written notification by the examiner to appellant of such consideration;
- 3) notify appellant to file a supplemental Appeal Brief compliance with 37 CFR § 41.37;
- 4) submit a revised Examiner's Answer in accordance with the MPEP § 1207.02; and
- 5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



DALE M. SHAW
Deputy Chief Appeals Administrator
(571) 272-9797

Application 10/051,200

DMS:pgc

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